

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States District Court
Southern District of Texas
ENTERED

FEB 21 2008

MARTHA P. CISNEROS,

§
§
§
§
§
§
§
§

Michael N. Milby, Clerk of Court
By Deputy Clerk *Plan 105*

Plaintiff,

v.

CIVIL ACTION NO. B-07-149

HENRICK JUEL JENSEN,

Defendant.

ORDER & OPINION

BE IT REMEMBERED, that on February 21, 2008, the Court considered Plaintiff's Unopposed Motion to Dismiss with Prejudice. Dkt. No. 3.

Plaintiff, Martha P. Cisneros, initiated suit against Defendant, Henrick Juel Jensen, on October 2, 2007. Dkt. No. 2. Defendant did not respond nor did Defendant file a motion for summary judgment. This Court received Plaintiff's motion to dismiss on February 15, 2008. Dkt. No. 3. Subsequently, Plaintiff's motion is governed by Rule 41(a)(1)(i). FED. R. CIV. P. 41(a)(1)(i) ("[A]n action may be dismissed by the plaintiff without an order of court . . . by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever occurs first."). This Court construes Plaintiff's motion to dismiss to be a notice of dismissal pursuant to Rule 41(a)(1)(i).

Therefore, pursuant to Federal Rule of Civil Procedure 42(a)(1)(i), the Court **GRANTS** Plaintiff's Motion for Dismissal with Prejudice. Dkt. No. 3. The instant action is hereby dismissed with prejudice. *Id.* Accordingly, the Court **ORDERS** the Clerk of the Court to close this case.

DONE at Brownsville, Texas, on February 21, 2008.

Hilda G. Tagle
Hilda G. Tagle
United States District Judge